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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/512,105	08/22/2005	Martijn Van Beenen	vanBeenen-1(P60583US00)	6843

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EXAMINER	
HSU, AMY R	

ART UNIT	PAPER NUMBER
2622	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/512,105	VAN BEENEN, MARTIJN	
	Examiner	Art Unit	
	AMY HSU	2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *25 April 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *25-40* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *25-40* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

In the response dated 4/25/2008, the applicant has cancelled all original claims and added new claims. Therefore an updated search and further reconsideration is necessitated by the new claims. Applicant's arguments state that applicants view is Dion (US 6419367) along with other secondary references from the non-final rejection do not anticipate the applicant's claimed invention. However, as addressed in more detail in the rejections below, examiner maintains that the prior art cited in the non-final rejection still applies to the instant application, even as currently amended with new claims. In page 15 under section B of the applicant's response dated 4/25/2008, applicants state that "... the Examiner takes the position that the invention as recited in prior claim 1 was identically disclosed in the '367 Dion et al patent." Examiner does not take the position that the invention in either the prior claim 1, or the present claim 25 is identically disclosed in the '367 Dion et al patent. However, the Dion et al patent does anticipate the claim language of Claim 25, as well as prior claim 1. The rejections that follow will further point out citations to the prior art references used previously in the non-final rejection to show that the present invention is anticipated by prior art or would have been obvious.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 25, 26, 28-30, 33, 35 and 40 are rejected under 35 U.S.C. 102(e) as being anticipated by Dion et al. (US 6419367).

Regarding Claim 25, Dion teaches a glare hood for assembly on a display comprising: a tubular part having first and second side walls (*Fig. 1 reference number 22 and 16)*, an upper wall and a lower wall and having a rectangular cross-section (*reference number 12 and 14)*, the tubular part also having a front end side (*the side open to the user)* and a rear end side (*the side closer to the display)*; a flexible clamping wall (*Fig. 1 the wall closest to the area marked 34)* fabricated from a flexible material (*Col 3 Line 1)* and being bent in a configuration of a substantially circular segment and extending from the upper wall to the lower wall of the tubular part when the glare hood is not mounted on the display (*Col 3 Lines 34-36 state that the opening corresponding to the flexible clamping wall can be any desired shape, this includes circular shaped)*;

the rear end side of the tubular part and the flexible clamping wall defining a recess (*reference number 34*); and the flexible clamping wall being deformed when the display is slid into the recess so that the glare hold is mounted on the display and, by virtue of the deformation, the glare hood applies a clamping force to the display (*see Fig. 2)*.

Regarding Claim 26, Dion teaches the glare hood recited in claim 25 wherein the rear end side of the tubular part is defined by end faces of rear edges of the upper wall, the lower wall and first and second side walls (*the rear end side is the side of Fig. 1 reference number 10 that is closer to the display, and is defined by the rear sides of the upper and lower wall as well as the first and second side walls)*; and the rear end side abuts a front side of the display or an area surrounding the front side of the display when the glare hood is mounted to the display (*as seen in Fig. 2)*.

Regarding Claims 28-30, Dion teaches the glare hood recited in claim 25 wherein the flexible material comprises rubberized material or neoprene material (*Col 3 Lines 1-5),* which includes rubber, synthetic rubber, and polychloroprene.

Regarding Claim 33, Dion teaches the glare hood recited in claim 25 wherein a distance between the front end side and the rear end side of 3 the tubular part is such that a front side of the display can be touched by fingers of a user extending from the front end side through the tubular part when the glare hood is mounted on the display

(*as shown in Fig. 2)*.

Regarding Claim 35, Dion teaches the glare hood recited in claim 25 wherein the glare hood consists substantially entirely of the flexible material (*Col 3 Line 1)*.

Claim 40 is a method claim corresponding to the apparatus of Claim 25 and is therefore rejected similarly.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 31-32, 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dion et al. (US 6419367).

Regarding Claim 31, Dion teaches the glare hood recited in claim 29 wherein 2 said flexible material comprises rubberized material, one of ordinary skill in the art would recognize silicone rubber to be a well known, commonly used material as a rubberized material. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teaching of Dion because the combination would have yielded predictable results to one of ordinary skill.

Regarding Claim 32, Dion teaches the glare hood recited in claim 25 but does not teach the flexible material is colored black. The color of the glare hood is a choice that does not affect the functionality of the glare hood, and one of ordinary skill in the art may choose for the hood to be black which would yield the same predictable results as any other color, given that the material is a dense rubber-like material. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teaching of Dion by coloring the hood black because this would yield predictable results.

Regarding Claim 34, Dion teaches the glare hood recited in claim 25, but does not teach the surfaces of the walls directed towards each other have a rough surface texture relative to other surfaces of the upper wall, the lower wall and the first and second side walls. One of ordinary skill in the art would realize that when an attachment, especially a rubberized material, is attached to an electronic device, having a rough edge would be beneficial in keeping the attachment in place. Official notice is taken that a rough surface texture is often used in such an application to add to keeping the attachment in place.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teaching of Dion to add a rough surface texture to keep the attachment in place with the added friction between the surfaces of the attachment glare hood and the display device.

5. Claims 27, 36-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dion et al. (US 6419367) in view of Kordiak (US 6302546).

Regarding Claim 27, Dion teaches the glare hood recited in claim 25 but fails to teach tubular part tapers from the rear end side to the front end side. The common shape of a glare hood to cover a display screen is generally very similar. There is generally provided an area to cover the display from the top and sides with an opening for the user to look through and see the screen. The tapering shape with respect to the rear to front end direction is also commonly seen in glare hoods. Kordiak teaches such a glare hood for attachment to a laptop display for example, shown in Fig. 2.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teaching of Dion with that of Kordiak to make the front ends narrower in order to keep out more light or to narrow the area for the position of the user.

Regarding Claim 36, Dion teaches a glare hood comprising a tubular part having first and second side walls, an upper wall and a lower wall and having a rectangular cross-section, the tubular part also having a front end side and a rear end side, a flexible clamping wall fabricated from a flexible material and being bent in a configuration of a substantially circular segment and extending from the upper wall to the lower wall of the tubular part when the glare hood is not mounted on the display, the

rear end side of the tubular part and the flexible clamping wall defining a recess (*as addressed with Claim 25)* but fails to teach a blank for forming the glare hood.

Kordiak teaches also teaches a glare hood and teaches details of assembly from a blank (*See Figures 15 and 16).* One of ordinary skill in the art would be able to realize that any three dimensional shape can be manufactured by a flat material, or blank, and configured and bent or folded into the correct shape, and that this is commonly the method used in manufacturing such an apparatus).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teaching of Dion with that of Kordiak to realize that manufacturing the shape of a glare hood taught by Dion could be accomplished by a blank, or a flat sheet of material in the appropriate shape that would form the final product when manipulated. Applying the teaching of Kordiak would yield predictable results.

Similarly, Regarding Claim 37, the blank for a tapered edge as that described in Claim 27 would similarly require a flat material blank with corresponding shape. It would have been obvious to one of ordinary skill in the art at the time of the invention to create a blank for manufacturing the shape of the glare hood addressed in Claim 27, for the same rationale as stated above with Claim 36.

Regarding Claims 38 and 39, since Dion does not teach the blank, Kordiak is provided with attachment parts for retaining the glare hood is an assembled condition

(*See Fig. 1).* Fig. 4 shows lips that integrally connect to other edges to form bending lines to create the desired shape of the glare hood. It would be obvious to apply this concept to the teaching of Dion to create a flat material which connect together to form the desired shape of the glare hood as taught by Dion. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teaching of Dion with that of Kordiak for the reason provided in Claim 36, and one of ordinary skill in the art would realize that a flat material blank when formed into the desired shape uses attachments cut within the blank.

Conclusion

1. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AMY HSU whose telephone number is (571)270-3012. The examiner can normally be reached on M-F 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lin Ye can be reached on 571-272-7372. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Amy Hsu
Examiner
Art Unit 2622

ARH 8/7/08

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Supervisory Patent Examiner, Art Unit 2622